THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11614 of 2004

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the first respondent in D.Dis.(E) 674/2003 dated 12.6.2004 dismissing the revision filed by the petitioner against the orders passed by the second respondent dated 29.10.2003, wherein the second respondent confirmed the orders passed by the third respondent dated 28.2.2001 as arbitrary and illegal.

It appears, the petitioner was granted conventional dealership in kerosene in Nellore town by the Tahsildar in the year 1981 under A.P. Petroleum Products (Licensing and Regulation of Supplies) Order, 1980. It seems, the third respondent while considering the cases of six other persons along with petitioner, misconstrued that the petitioner was granted licence only in the year 1988 and passed the impugned proceedings dated 28.2.2001. The petitioner has placed before this Court the licence bearing No.165/81 granted to him by the Tahsildar concerned, which was renewed from time to time upto 1.12.1993. However, thereafter there was no renewal and the impugned proceedings dated 28.2.2001 was passed stating that the proceedings of the fourth respondent-Mandal Revenue Officer dated 26.9.1988 sanctioning (7) fresh kerosene licences to (7) individuals for distribution of kerosene to the cardholders was set aside as the fourth respondent was not the competent authority and the same is contrary to the instructions of Commissioner of Civil Supplies in Circular No.E2/244/82 dated 31.3.1988. The said proceedings indicate that the Mandal Revenue Officers are the competent authorities for issuance of kerosene licences, however, they were directed not to grant any further kerosene licences to any of the dealers except to the fair price shop dealers. Admittedly, the licence

issued in favour of petitioner is of the year 1981, which was renewed from time to time. Therefore, the petitioner could not have been equated with that of other persons, who were granted fresh licences in the year 1988.

Under those circumstances, I am of the opinion that the impugned order passed by the third respondent dated 28.2.2001 as confirmed by the respondents 1 and 2 are nothing but on a mistaken notion that the petitioner was granted licence in the year 1988 contrary to the instructions of the Commissioner of Civil Supplies, therefore, the same are liable to be set aside.

In the result, the writ petition is allowed and the impugned order dated 28.2.2001 passed by the third respondent as confirmed by the respondents 1 and 2 by orders dated 12.6.2004 and 29.10.2003 respectively are set aside. The authorisation of the petitioner for conventional dealer in kerosene shall be restored without further loss of time. No order as to costs.

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C.V.RAMULU, J

Date: 9.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11614 of 2004

9.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11614 of 2004

Date: 9th October, 2006

Between:

G.Yamuna Devi

.. Petitioner

And

The District Collector,
Nellore & others.

.. Respondents